

San Francisco Bay Conservation and Development Commission

455 Golden Gate Avenue, Suite 10600, San Francisco, California 94102 tel 415 352 3600 fax 415 352 3606

December 17, 2015

Lawrence Bazel, Esq.
Briscoe, Ivester & Bazel, LLP
155 Sansome St., 7th Fl.
San Francisco, CA 94014

Re: Pt. Buckler Island; BCDC Enforcement File No. ER2012.038 (Pt. Buckler, LLC;
John Sweeney, Principal)

Dear Mr. Bazel:

I am writing, somewhat belatedly, in response to your letter to me dated October 12, 2015, regarding the above-referenced enforcement proceeding.

In your letter you reference my letter dated August 18, 2015, to Mr. Sweeney's former counsel, Wilson Wendt, in which, among other things, I confirmed an understanding that we had reached with Mr. Wendt to stay further progress on the proceeding to allow Mr. Sweeney and opportunity to gather and submit information and analysis that responds to the allegations of unpermitted activity by Mr. Sweeney that we had made in previous letters to Pt. Buckler, LLC or Mr. Wendt dated January 30 May 7, 2015. As stated in my letter, the information and analysis that Mr. Wendt stated he wanted to provide us relates primarily, although not exclusively, to the question of whether the hydrological conditions on Pt. Buckler Island between the preparation and approval of the Annie Mason Duck Club Individual Management Plan (IMP) in 1984 and the commencement of Mr. Sweeney's levee construction and other development activity on Pt. Buckler Island did or did not satisfy the definition of a "managed wetland" as that term is defined in section 29105 of the Suisun Marsh Preservation Act. As you note in your letter, we asked that this information be provided to us no later than October 10, 2015.

In your October 12 letter you refer to the action of the SF Bay Regional Water Quality Control Board (RWQCB) in issuing a "clean up and abatement order" (CAO) against Mr. Sweeney in response to the same actions that prompted the BCDC's enforcement proceeding. You state that you will be developing and submitting to the RWQCB information and analysis in response to the RWQCB's CAO that overlap with the information we had agreed with Mr. Wendt that he would be providing to us. In this regard, we are aware of the RWQCB's letter to you dated December 9, 2015, requesting under the CAO that you prepare and submit to the RWQCB a "Technical Report" that contains information and analysis regarding the topographic and hydrological characteristics of Pt. Buckler Island as well as Mr. Sweeney's activities at that location.

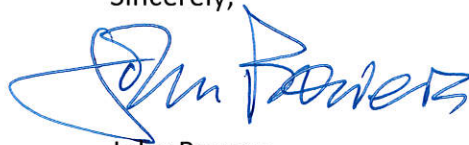
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Having reviewed the RWQCB's Dec. 9 letter to you, we agree that the information and analysis that you will be preparing for inclusion in the "Technical Report" described therein will in all likelihood substantially overlap with and will at least in significant part be responsive to the questions we raised in my August 18 letter to Mr. Wendt. In its Dec. 9 letter the RWQCB gives you a deadline of February 15, 2016, for the submittal of the requested "Technical Report."

In light of the foregoing, we agree to provide you with the "extra time" that you request in your Oct. 12 letter for submittal of information and analysis responsive to the questions we posed in my Aug. 18 letter to Mr. Wendt by extending the deadline that we previously established for the submittal of such information and analysis to the deadline established by the RWQCB for the submittal of a "Technical Report," namely, February 16, 2015.

Please let me know if you have any further questions by contacting me either by phone (415-352-3610) or email (john.bowers@bcd.ca.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read "John Bowers", with a stylized flourish at the end.

John Bowers
Staff Counsel

JB/ra

cc: RWQCB
EPA